

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

**NATHAN RIECK, on behalf of himself
and all others similarly situated**

PLAINTIFF

V.

CASE NO. 5:19-CV-05104

**P.A.M. TRANSPORT, INC. and
PAM CARTAGE CARRIERS, LLC**

DEFENDANTS

ORDER

Now before the Court is Plaintiff Nathan Rieck's Motion to Compel Entry and Inspection (Doc. 33), to which Defendant P.A.M. Transport, Inc. ("P.A.M.") filed a Response in Opposition (Doc. 36).

Federal Rule of Civil Procedure 34(a)(2) provides for entry "onto designated land or other property possessed or controlled by the responding party, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it." The Court finds that Plaintiff has adequately explained why his counsel should be permitted to inspect P.A.M.'s facilities, and P.A.M. has failed to persuade the Court that the inspection is unnecessary or will pose an undue burden on P.A.M.

IT IS THEREFORE ORDERED that the Motion to Compel Entry (Doc. 33) is **GRANTED**, subject to the following caveats:

(1) Plaintiff's right to enter and inspect the facility is not to be construed as a right to examine customer-specific data;

(2) to the extent that the inspection reveals general information regarding the facility's layout, workflow, or logistical staging/processing that P.A.M. deems to be

confidential, then the inspection of such items shall be subject to the Protective Order (Doc. 26); and

(3) the inspection will be a “guided” tour in the sense that P.A.M. and its counsel may be present and may interpose visitor safety protocols and other reasonable restrictions that do not frustrate Plaintiff’s stated purposes for the inspection.

IT IS SO ORDERED on this 25th day of November, 2019.

/s/ Timothy L. Brooks

TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE